

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

DOCKET NO. 2001-209-C - ORDER NO. 2001-916

SEPTEMBER 6, 2001

IN RE: Application of BellSouth)	ORDER DENYING
Telecommunications, Inc. to Provide In-)	REQUEST TO
Region InterLATA Services Pursuant to)	POSTPONE HEARING
Section 271 of the Telecommunications Act)	
of 1996.)	

This matter comes before the Public Service Commission of South Carolina ("Commission") on the motion filed by AT&T Communications of the Southern States, Inc. ("AT&T") requesting postponement of the hearing in this matter set for August 27, 2001. Sprint Communications Company, L.P. and United Telephone Company of the Carolinas (collectively "Sprint") filed a motion in support of AT&T's Motion to Postpone and requested oral arguments on the motion. BellSouth Telecommunications Inc. ("BellSouth") filed a reply to both AT&T's and Sprint's motions.

By its motion, AT&T asserts that rescheduling of the August 27, 2001, hearing is warranted because (1) third-party testing in Georgia and Florida is not complete and (2) the current schedule does not allow sufficient time to analyze BellSouth's performance measures. AT&T argues that neither the Georgia testing nor the Florida testing is yet completed and that data for production of reports or findings do not yet exist. Further, AT&T states that the Florida testing is uncovering exceptions not evaluated in the Georgia test. AT&T also cites to the status of BellSouth 271 proceedings in other states.

AT&T argues that the uncertainty of the third-party tests and the related proceedings in other states warrants postponement of the hearing in South Carolina until such time as more complete information from other states regarding third-party testing is available.

Sprint embraces AT&T's arguments and adds that the parties cannot comply with the Commission's Order No. 2001-647 where the parties were "strongly encouraged to provide detailed arguments, analysis, data and exhibits during the August hearing regarding the differences in Georgia and Florida 271 third party testing and performance measures." Sprint asserts that the parties cannot provide such detailed arguments, analysis, data, or exhibits if the tests in Georgia and Florida are incomplete and not fully reported. Sprint therefore requests that the Commission "delay the portion of the hearing ... until such time as OSS testing in Georgia and Florida is completed and final orders entered in such states and until such time as performance measures are established in South Carolina and sufficient results have been subjected to appropriate review." Sprint Motion, p. 3.

By its reply, BellSouth asserts that the motions for postponement filed by AT&T and Sprint should be denied as the Commission has already rejected the same arguments. BellSouth argues that the motions request that the Commission make factual determinations based upon representations made by legal counsel and not based on the testimony of witnesses presented during hearing. Further, BellSouth states that it will rely on South Carolina performance data using regional SQM, developed with CLEC input, and approved by the Georgia Public Service Commission. BellSouth asserts that it is unnecessary to complete the Performance Measures docket before proceeding with the

271 docket as BellSouth plans to present its case for Section 271 relief in South Carolina to the FCC based on South Carolina and regional data using the Georgia-approved SQM.

Upon consideration of the motions of AT&T and Sprint and the reply of BellSouth, the Commission finds and concludes that the motions for postponement and Sprint's request for oral arguments on the motions should be denied. The Commission concludes that the proper forum to consider the sufficiency of the third-party testing in Georgia and Florida is the hearing currently scheduled. While it may be necessary for this Commission to consider third-party testing from other states, such as Georgia or Florida, this Commission must make that determination after considering the evidence presented at the hearing. The hearing will afford the parties the opportunity to address the merits of the Georgia and Florida third-party testing in the context of BellSouth's application for 271 relief in South Carolina. BellSouth bears the burden of proof to demonstrate compliance with Section 271, and the hearing process allows other parties the opportunity to challenge BellSouth's position. This Commission anticipates that the parties will address not only reliance upon the third-party testing from Georgia and Florida but also the strengths and weaknesses of the testing from both states. Further, as BellSouth's 271 application in South Carolina is based on South Carolina and regional data using the Georgia-approved SQM, this Commission has determined that it will not make a final decision on BellSouth's 271 application in South Carolina until the Georgia Public Service Commission has ruled upon BellSouth's 271 application in the State of Georgia.

IT IS THEREFORE ORDERED THAT:

1. The motions of AT&T and Sprint to postpone the hearing in this matter scheduled for August 27, 2001, and Sprint's request for oral arguments on the motions are denied.

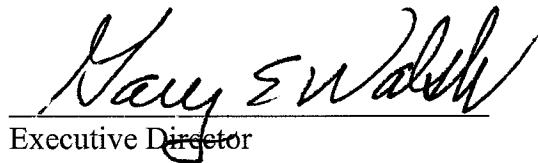
2. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:



Chairman

ATTEST:


Executive Director

(SEAL)